

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
AUGUST 15, 2011**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members Frederick, Rubello, Rubino, Rusie and Walby

Absent & Excused: Council Member McFadyen

Also Present: City Manager Hughes, City Clerk Kotowski, Director Rayes, and City Attorney Ihrle

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, noted that Mrs. McFadyen asked to be excused. A quorum was present.

Motion by Frederick, seconded by Walby to excuse Mrs. McFadyen from this evening's meeting.

Ayes: Frederick, Walby, Rusie, Hison

Nays: Rubello, Rubino

The Pledge of Allegiance was recited by those in attendance.

Mayor Hison stated that Item #2, Item #4, and Item #7a have been removed from the agenda.

2. PROCLAMATIONS & PRESENTATIONS

Green Fair

Maria Martinez, and Gordon Missege, organizers for the Green Fair stated this is the 2nd Annual Green Fair. It will be held at Veterans Memorial Park, 11:00 a.m. to 6:00 p.m. on Saturday, August 20. The Green Fair features eco-friendly products, services, educational opportunities, displays, presentations, live music and children's activities. There will be musical entertainment, and Arts 'n' Scraps will be providing children's activities from noon to 3:00 p.m. Admission is free. Parks and Recreation Director, Greg Esler, stated this is being held in conjunction with Cool Cities.

There will also be an update on the "muck" situation in the lake.

County Executive Mark Hackel —This Item was removed from the agenda and rescheduled to September 6, 2011.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)

Jim Goodfellow, St. Clair Shores resident, spoke regarding Agenda Items #5 and #7a. He asked if \$45,000 of \$1 HUD proceeds was donated for the Physical Fitness Room at the Senior Center/Ice Arenas. He requested to know if the money is for the Senior Center or the Ice Arena. Mr. Goodfellow stated that Bayview Street and 22452 Lakecrest need patching.

Jack Downey, St. Clair Shores resident, spoke regarding Agenda Item #5. He commended Paul Doppke as President of the St. Clair Shores Hockey Association for expanding the facility, but not at the taxpayers' expense. He stated that the Senior Center is owned by the St. Clair Shores taxpayers. Mr. Downey requested to table this item until minutes regarding this item are provided.

Mary Cipriano, St. Clair Shores resident, spoke regarding Agenda Item #5. She stated she is shocked to see the Senior Center combined with a workout room for the Civic Arena, and is upset to see that they want to use CDBG funding. She would like the Senior Center removed from this request.

Eugene Meyer, St. Clair Shores resident, spoke regarding Agenda Items #5 and #7a. He advised he received over 30 phone calls this week from seniors who are upset over this item. He stated he has been at the Senior Center for the last 12 years. In addition, he stated there was no mention of a fitness room in the 5-year plan.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS cont'd.

Shawn Nicholson, St. Clair Shores resident, spoke regarding Agenda Item #5. He stated he is representing the St. Clair Shores Hockey Association. He stated it is not the seniors against the Civic Arena. The Civic Arena is everyone's building. The building needs to flourish. They are trying to attract teams to play instead of one or two players at a time. The St. Clair Shores Hockey Association wants to add a facility for kids to train and compete with other arenas that are out there. He reminded everyone that the St. Clair Shores Hockey Association is a non-profit organization, and this facility needs to remain competitive.

Ralph Kosal, St. Clair Shores resident, spoke regarding Agenda Item #5. He stated that the Senior Citizens already have a workout room. The hockey teams that are allowed to use our arenas live mainly outside of our City. Mr. Kosal stated other groups of sports like baseball should be allowed to use the arenas also, not just hockey and figure skating. He asked why other groups of kids doing different sports can't use the arenas.

4. REQUEST TO SET A PUBLIC HEARING FOR CONSIDERATION OF NECESSITY FOR THE CREATION OF A SPECIAL ASSESSMENT DISTRICT TO HEAR OBJECTIONS TO THE IMPROVEMENT AND THE SPECIAL ASSESSMENT DISTRICT FOR THE DREDGING OF THE BAYVIEW/LAKECREST CANAL

This item was removed from agenda (to be rescheduled).

5. REQUEST TO USE \$1 HUD PROCEEDS FOR THE PHYSICAL FITNESS ROOM AT THE SENIOR CENTER/ICE ARENAS

Mr. Esler, Director of Parks and Recreation, said bids were opened on June 14, 2011 to renovate and expand the activities room at the St. Clair Shores Civic Arena. The expansion will provide an excellent space to train for all of our athletes. We have met with the St. Clair Shores Hockey Association and the St. Clair Shores Figure Skating Club, as well as many donors, who all believe in the need for this type of training facility located inside the arena. The general consensus is that in an effort for the overall facility to remain competitive, it is imperative that we add space for training to our programming and work out and cardio based equipment to enhance the athletic performance. The addition of this space allows both organizations to market and solicit additional members who are at other arenas because of the enhanced workout and team facilities.

Jointly, we have had several meetings and walked through with the St. Clair Shores Hockey Association; the St. Clair Shores Figure Skating Club; Anderson, Eckstein, and Westrick Inc.; Community Development and many bidders in an effort to move forward in the best interest of the facility and the organizations. We have been able to get commitments through St. Clair Shores Hockey and St. Clair Shores Figure Skating organizations and several sponsors to raise much needed funds in the amount of \$114,460.00. We are seeking additional funding in our request to use \$1.00 HUD proceeds for the physical fitness room in the amount of \$50,000 which will complete the project awarding the bid to Diversified Construction and allowing for immediate ground breaking.

We look forward to our athletes having a first rate training facility and thank our patrons and organizations that believe in the project and are willing to make a commitment to enhance and improve the St. Clair Shores Civic Arena.

Mr. Esler stated the Hockey Association is 53 years old. Over the past 50 years, this rink produced great hockey players and coaches. Competition is a big word in sports. An exercise facility on-site would be great for the kids. The rink has never used general fund dollars over the last 10 years. Mr. Esler stated how many children's dreams will come true if this training facility passes.

Ms. Rheaume, Sports Manager and Civic Arena Manager thanked everyone who has jointly kept the Civic Arena running. She stated she has worked at the Civic Arena for 12 years. She thanked the Hockey and Figure Skating Clubs who have donated over \$250,000 over the past 10 years. She explained the Clubs will put up 70% of the cost, and the City will put up 30%. No matter what happens, the building will be improved. It is long overdue. An athlete cannot be trained today the same way as they did 20 years ago. Ms. Rheaume stated the seniors were called to the table also to speak with the Director and were told that none of their programs will be affected or displaced. Not one square foot of their facility will be impacted. This has been in the master plan for years. Seniors have said they were uncomfortable exercising with the younger people, and they stepped out of negotiations some time back.

Mayor Hison explained that Senior Center/Ice Arenas is written on the agenda. That is how it is worded, but it is not the name of the project. It could have been worded differently. Nothing will be changed for the Senior Center.

Mayor Hison stated that the \$1 HUD money for the project has been given to the City Manager. This money cannot be used in resident facilities. The Finance Department has received \$114,460.00 in checks from the Hockey and Figure Skating organizations that have not been deposited depending on the outcome tonight.

5. REQUEST TO USE \$1 HUD PROCEEDS FOR THE PHYSICAL FITNESS ROOM AT THE SENIOR CENTER/ICE ARENAS cont'd.

Previously \$50,000 in \$1 HUD monies, was supposed to go toward this item. Will the HUD dollars plus the \$114,460 from the Hockey and Figure Skating organizations cover the cost? Mr. Esler stated the cost is \$144,279. It will cover the facility, but the equipment will have to be brought back to Council.

Mayor Hison asked if any other groups will be able to use the facility. Mr. Esler replied that all groups can participate, and no one will be displaced. Once everything is established, there will be a meeting room upstairs.

Mr. Esler stated that the Senior Coordinator felt that the seniors would be uncomfortable exercising with teenagers.

Mr. Rubello stated that the seniors would like a list of the donors of this project. Mr. Esler replied that some of the donors do not want to be recognized because they don't want to be contacted.

Mayor Hison advised that the Community Development Block Grant has been approved for \$862,320 for this coming fiscal year.

Mr. Rubello advised that the Dog Park, Baseball League, and Bocci Ball Court are some of the projects we have done for improvement. Some of these projects allow residents from other cities to use them.

Mr. Hughes also stated there was the purchase of 10 new computers for the Senior Center with HUD funds.

Mr. Frederick stated that two companies provided bids. Is there any language in the bid about splitting the bid, such as the base bid, the electrical, or the mechanical work? Mr. Rayes replied it is too difficult to split and coordinate that type of work.

Ms. Rusie inquired about the bidding process. She asked why the City was being asked to commit to a certain amount of funds after the bid went out. Mayor Hison replied it was because it was required that contributions were needed from outsiders, and we had to verify there would be dollars allocated to be added to the cost.

Mr. Esler stated that If Council decided to reduce the \$50,000 the building would be nice but not have equipment.

Ms. Rusie asked if this specific project was approved by HUD. Mr. Rayes replied it was on the list.

Mayor Hison stated that within the \$1 HUD listing, we have donated money to many different organizations, and not all of these people live in St. Clair Shores. It is not the criteria.

Mr. Esler emphasized that none of the groups will be displaced.

Ms. Rusie stated that the money was received from private donations and friends of the St. Clair Shores Hockey Association. She would like to know where the money is coming from so she can make an educated decision. She stated she is not against this project, but doesn't want to use HUD money. She would rather get grants, and is against having the building for the sole use of a private organization. In addition, Ms. Rusie stated she doesn't think this project is what HUD intended the money to be used for.

Mr. Rubino asked if it is only the Hockey Association members that can use this room. Mr. Esler replied the Hockey Association members and the Figure Skating Association for now. Once everything is established, there will be opportunities for other groups to rent.

Mr. Rubino asked once this project is renovated, who is the owner? Mr. Esler replied the owner will be the City of St. Clair Shores. Mr. Esler also stated that between the Hockey Association and Figure Skating Association, \$1,000,000 a year is brought in.

Mr. Rubino stated if this is approved, how do we know there won't be a massive amount of changeovers with this project. Mr. Esler replied that AEW is comfortable with the contingency. There have been good numbers that have been investigated, and they don't anticipate any cost over.

Mr. Rubino stated that if you don't keep up facilities and compete, business will be lost. Mr. Rubino thinks that spending the \$50,000 is a very wise investment and business decision.

Mr. Walby stated this will enhance the ice facility. The wording on the agenda is misleading. Mr. Walby asked that if one of the organizations leave, does everything that is done remain. Mr. Esler replied it would.

5. REQUEST TO USE \$1 HUD PROCEEDS FOR THE PHYSICAL FITNESS ROOM AT THE SENIOR CENTER/ICE ARENAS cont'd.

Mr. Walby stated that the City bought \$1HUD homes to try to enhance the City and the use of these proceeds is a good use for our facilities improvements.

Mayor Hison advised that if you don't invest, you won't get the return. There is always a risk.

Mr. Frederick stated that one of the ways you fill up empty houses is by having the outsiders come into the city and see the great things we have to offer. You have to attract people. Mr. Frederick requested that if all of the \$18,000 is not used, that money be returned to the City.

Mr. Rubello stated it would cost the City a lot of money to take that room and renovate it. It would probably cost about \$35,000 just for the electrical and plumbing. Mr. Rubello added that he likes this plan and thinks it is a good move.

Motion by Rubello, seconded by Walby to approve the bid for the demolition, building and expansion of the activities room at the St. Clair Shores Civic Arena from Diversified Construction in the amount of \$125,460.00 as budgeted and outlined in council packet, contingent that the City would get 30% of the contingency back into the HUD Program if there is money left over.

Ayes: Rubello, Walby, Frederick, Rubino, Hison

Nays: Rusie

Absent: McFadyen

6. REQUEST FOR APPROVAL OF THE DTE ENERGY PROPOSAL

Mr. Rayes, Community Services Director, explained that staff submitted a grant application to the Regional Energy Office for the purpose of upgrading our street lights from mercury vapor fixtures to LED fixtures. The grant amount of \$450,000 is interest free over the life of the loan. Mercury vapor is the oldest and most costly street light to operate. The City pays for street lighting on a per fixture/type/watt basis; therefore, the proposed savings are actual, not theoretical. By going from a mercury vapor to LED, the savings will be used to pay off the grant. We propose using 80% of the savings (\$44,578.46) to pay off the loan (9.27 year payback period) and keeping 20% of the savings for the City (9.27 yrs x 11,144.92=103,313.41). The cost to St. Clair Shores is further reduced by receiving additional Energy Optimization funds from DTE. The funds from DTE, through the Energy Optimization are paid per fixture, type and wattage and equate to an additional savings of \$36,900.00.

Steve Friedman and Chimere Lowery, Account Representatives from DTE Community Lighting, addressed Council.

Mr. Rayes stated it is the City's goal to reduce overall energy expense. There were 13 communities that applied for grants. St. Clair Shores received the largest grant by almost double.

Mayor Hison stated he is very pleased that St. Clair Shores is being considered for this grant. Mr. Rayes stated they plan to convert 708 of the old fixtures. Mayor Hison asked how many the City has. Mr. Rayes replied the City has approximately 2,700 of the mercury vapor lights.

Mr. Rubello stated that after these new lights were installed in Ann Arbor, the City of Ann Arbor was still being billed incorrectly. Mr. Lowery stated the mistake has been corrected. Mr. Rayes added he will do a fixture count and monitor wattage.

Mr. Walby asked if the LED lights attract more or less fish flies. Mr. Lowery replied the new lights are infrared, and it is the heat that attracts fish flies.

Motion by Frederick, seconded by Rubino to approve a request for the City Manager to enter into Grant Agreement with the Regional Energy Office for the DTE mercury vapor to LED.

Ayes: All - 6

Absent: McFadyen

7. BIDS/CONTRACTS/PURCHASE ORDERS –

- a. Bocce Court Shade Structure(s) (bids opened 8/9/2011)
- b. ~~Renewal of Wide Area Network and Internet for City Network~~

8. BIDS/CONTRACTS/PURCHASE ORDERS – cont'd.

a. Bocce Court Shade Structure(s) (bids opened 8/9/2011) cont'd.

Mr. Rayes, Community Services Director, explained that on August 9 the City received three bids for the shade structure for the bocce ball courts at the Senior Center. The bid documents requested bids for a canopy shade and an alternate for a metal structure which will match the canopy at the shuffleboard courts. The quotes for the metal structure were less expensive than the canopy structures and more durable. Therefore, staff is recommending awarding the low bid for the metal structures. The two low bidders quoted the exact same price. Staff would recommend the selection of Playworld Midstates, as we have done work with their company previously and have been satisfied with their performance and product.

Mayor Hison stated that it was originally anticipated the cost to be around \$75,000.00. Good work.

Mr. Rayes stated this was earmarked through \$1 HUD money, and subsidized through Block Grant money.

Mr. Frederick asked about the anticipated timeline. Mr. Rayes replied they will begin as soon as possible, and the work should take about six weeks. Mayor Hison asked if there is any type of warranty with this project. Mr. Rayes replied he will check the specs and verify.

Motion by Rubello, seconded by Walby to approve a request to award bid for bocce ball court shade structures to Playworld Midstates in the amount of \$14,875, using \$1 HUD money.

Ayes: All - 6
Absent: McFadyen

8. RECEIVE AND FILE BOARD OF CANVASSERS CERTIFIED RESULTS FROM THE AUGUST 2, 2011 CITY PRIMARY ELECTION

Ms. Kotowski, City Clerk, stated the canvassing went smoothly and the results were certified. Her office is now gearing up for the November election.

Mr. Rubino asked that if someone wants to be a write-in on the ballot, do they still have to file with the City Clerk. Ms. Kotowski replied yes. Election law requires the write-in candidate to file a declaration of write-in candidacy 2 Fridays prior to Election Day.

Motion by Rubino, seconded by Rusie to Receive and File Board of Canvassers results from August 2, 2011 City Primary Election.

Ayes: All - 6
Absent: McFadyen

9. CONSENT AGENDA – All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

Motion by Walby, seconded by Rubino to approve the Consent Agenda items a – e, which include the following:

a. Bills

August 4, 2011 \$5,509,033.06

To approve the release of checks in the amount of \$5,509,033.06, of the report that is 25 pages in length and of the grand total amount of \$5,509,033.06, \$2,980,037.75 went to other taxing authorities.

b. Fees

Kirk Huth & Lange	\$ 1,563.15
lhrie and O'Brien	\$ 9,181.00

9. **CONSENT AGENDA** cont'd.

c. **Progress Payments**

Tiseo Brothers, Inc. \$414,435.85

d. **Approval of Minutes**

None

e. **Receive & File Boards, Commissions & Committee Minutes**
To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Beautification Commission	June 8, 2011
Board of Canvassers	Nov. 4, 2010
Board of Fence Appeals	Feb. 3, 2011
Dog Park Committee	July 7, 2011
Golf Course Committee	May 17, 2011
Police & Fire Retiree Health Care Trust Board	June 30, 2011
Police & Fire Pension Board	June 30, 2011
Police & Fire Civil Service	June 29, 2011
Memorial Day Parade Committee	June 2, 2011
Memorial Day Parade Committee	July 7, 2011
Water Resources Board	June 7, 2011
Water Resources Board	July 12, 2011
Zoning Board of Appeals	May 19, 2011
Zoning Board of Appeals	June 2, 2011
Zoning Board of Appeals	June 16, 2011

Ayes: All - 6
Absent: McFadyen

10. **UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

PCB's – Mr. Hughes advised that on August 23, 2011, residents may see crews taking samples from the 10 Mile/Lange Canal. The crews will be there 2-3 weeks. There were 238 fish collected in a recent study in the Lange/Revere Canal, and the results are expected soon.

Harper 13-15 Mile Street Replacement – Mr. Rayes advised that contractors are working on the southbound lanes. The patching is finished up to the gravel parking lot at Kyte Monroe. Mayor Hison stated there are a lot of orange barrels in the north end of the City that might affect traffic at Kyte Monroe. Mr. Rayes stated that Macomb County said the work would only take three days. Mr. Hughes advised they are working with the contractor to make sure access to Kyte Monroe is available.

Little Mack 10-12 Mile – Mr. Rayes advised the driveway approaches are now being paved. The contractor began at 11 Mile and is working south. Mayor Hison asked if it will be finished in September. Mr. Rayes replied the pavement will be completed before the end of the month, and the weed growth and sod will be done in September.

Stagnant Shoreline – Mayor Hison stated that last week State Representative Tony Forlini and members of the EPA held a discussion with City officials. Talks continue about the concerns in the lake with the 'muck'. They will continue to explore possibilities with the Corps of Engineers.

Mayor Hison stated that there is an article in the Grosse Pointe News about how they have the same problem in various culverts along the lake. They are going to their representatives to look for ideas on how to clean it up.

Ridgeway & Jefferson – Mayor Hison stated that piles of dirt have been ending up on the property. Concrete and blacktop material is down, and he asked why the dirt and seed are being put on top of it. Mr. Ihrie stated the property originally had buildings on it. The demolition was requested as part of a clearing process to build a project. The demolition was not completed, and the City took them to court to secure an order to require the demolition be completed. While the

10. UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING cont'd.

case was proceeding, the owners allowed grass and weeds to grow on top of the cement substructure. Mr. Ihrie stated he tried to get the owner to grade and seed the property while the case was in litigation. Recently, the litigation concluded. They still have the right to complete demolition by August 30, 2011. If it is not done by then, the City has the right to do it.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Walby asked Mr. Rayes the status of the old Taco Bell on Harper Bell across from Nino Salvaggio's. Mr. Rayes replied it was purchased by Tim Horton's.

He asked for an update on the Leisure Manor concerns. Mr. Hughes stated that the Meals on Wheels and Nutritional Lunch Programs will be returned to Leisure Manor by Labor Day. Also, the chairs that were removed will be returned.

Mr. Walby stated that his daughter was recently hit by a car and commended the Police and Fire Departments on a great, quality job. He added that he appreciated their quick response and hard work.

Council Member Frederick offered condolences to Mayor Hison on the loss of his sister.

Mr. Frederick announced St. Lucy's Special Sunday Service for the 10th year anniversary of 9-11. They are looking for people who are or have been in any branch of the service.

Mr. Frederick asked what the next step is at 9 Mile and Harper now that it is demolished. Also, the property should be secured in some way so as to keep the area safe. Mr. Hughes replied he has nothing firm to report except that they are trying to get it cleaned up and looking good.

Council Member Rubello offered condolences to Mayor Hison on the passing of his sister.

Mr. Rubello stated he thinks the weight room at the Senior Center is a positive thing. Mr. Rubello asked if the City has any programs that defer summer tax bills. The City Manager replied he will check into it.

Mr. Rubello stated that residents are complaining that their tax bills are higher even though their property value is lower. Mr. Hughes stated there are several reasons that could occur such as maybe the home might have been reassessed, school taxes increased, certain millages, etc. If any resident has a question about tax bills, please call the City Manager.

Mr. Rubello asked if St. Clair Shores has a Promise Zone. Mr. Rayes stated we do not have one and we do not qualify for one.

Mr. Rubello asked if the City could start a "Time Banks Program" (neighbors helping neighbors). He also asked if the City has a Sustainable Development Process. That will also be check for the next meeting.

Mr. Rubello asked if more or less work is being done in Community Development this year as compared to last year. Mr. Rayes will check.

Mr. Rubello asked if trade schools/business schools are allowed in St. Clair Shores. Mr. Rayes replied they are a permitted use.

Mr. Rubello asked how many times grand opening signs are allowed in the City. Ms. Kotowski replied yes they are one time, for seven days and is there is no charge for the permit.

Mr. Rubello congratulated Greg Corless, Information Systems Director, on creating a link for the Disc Park.

Council Member Rusie spoke about the Green Fair that will be at Veteran's Memorial Park this Saturday and thanked the volunteers.

Ms. Rusie stated the Four Paws One Heart Organization provides medical services to stray and abandoned animals. There is a fundraiser at Harbor Lanes this Saturday for \$15 per person. This Organization is in dire need of all kinds of supplies. If you cannot attend the fundraiser, please donate whatever you can.

Ms. Rusie offered condolences to Mayor Hison on the recent loss of his sister.

11. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Council Member Rubino announced that the Cultural Committee and Blue Lake International are sponsoring JACCCO, on August 19, at 7:30 p.m. at Jefferson Yacht Club. Admission is free.

Mr. Rubino stated he is concerned about the rental properties we have in the City. Presently, inspections are done every three years. He would like to revisit this topic for discussion. He feels some apartment buildings in the City are not looking so good. A bad rental community can turn a neighborhood bad.

2. CITY MANAGER'S REPORT

Mr. Hughes announced that City Offices will be closed on Labor Day, September 5, 2011. The next City Council Meeting will be on Tuesday, September 6, 2011.

3. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

David Deacon, resident of St. Clair Shores, stated he is concerned about maintaining the quality of the City. He has noticed a lot of homes for sale advertised in the paper. He suggested requiring the seller to provide the buyer a Certificate of Occupancy assuring the buyer that the home is safe. He stated that if we don't invest in the community, we are missing the boat. Mr. Deacon asked for information on receiving refunds for overpaid property taxes.

Jamie Victory, resident of St. Clair Shores, stated there is an upcoming car show at 15505 15 Mile. For information call 586-711-8768.

Ralph Kosal, resident of St. Clair Shores, thinks the physical fitness room is a great business move for the Civic Center. Mr. Kosal stated he is a coach for a travelling baseball team, and he wasn't allowed to rent field time for his teams. He wants to know who gets to make this kind of decision.

Carol Carter, resident of St. Clair Shores, stated she lives next to an abandoned property, and there is a hazardous tree on that property that hangs over her driveway. Ms. Carter has had the tree investigated and has been told that the tree is rotted away by the roots and is not stable. She was told that the support roots have been attacked by a fungus and there is nothing left to anchor the tree in the ground. She is asking for help.

Mayor Hison stated the tree is on private property, and this is a difficult situation because the City has no authority to cut the tree down.

Mr. Ihrie stated the City does not get involved in property disputes between neighbors. He stated Ms. Carter has the authority to cut the tree part that is hanging over her property. Another option is that she can file a private action suit in the court against the property owner.

Daniel Livings, resident of St. Clair Shores, stated he is not satisfied with the service he has been receiving from the City. Mr. Livings stated the property located next to Roy O'Brien's parking/smoking lounge, has water and electricity illegally without a building on it.

Mr. Ihrie stated he went to the property, and his concern was that employees of Roy O'Brien's were entering the property and using it as a smoking area. Mr. Ihrie stated he made contact with Roy O'Brien and spoke with administrative personnel about the smoking.

14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (a) AND K. MCKEE VS ST. CLAIR SHORES

Motion by Frederick, seconded by Rusie to enter Closed Session as permitted by state statute MCLA 15.268 section 8 (a) and (e) K. McKee vs. St. Clair Shores at 9:55 p.m.

A roll call vote was taken.

Ayes: Frederick, Rusie, Rubello, Rubino, Walby, Hison
Absent: McFadyen

Motion by Walby, seconded by Frederick to return to Open Session at 10:13 p.m.

Ayes: All - 6
Absent: McFadyen

14. REQUEST TO ENTER CLOSED SESSION AS PERMITTED BY STATE STATUTE MCLA 15.268 SECTION 8 (a) AND K. MCKEE VS ST. CLAIR SHORES cont'd.

Motion by Rubino, seconded by Frederick to accept the City Attorney recommendation regarding case evaluation on McKee vs. St. Clair Shores.

Ayes: All – 6
Absent: McFadyen

15. ADJOURNMENT

Motion by Rubino, seconded by Frederick to adjourn at 10:14 p.m.

Ayes: All - 6
Absent: McFadyen

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD)

ROBERT A HISON, MAYOR

MARY KOTOWSKI, CITY CLERK